

LETTER

FROM

THE ATTORNEY-GENERAL

TRANSMITTING

Report required by the act of March 3, 1887, of judgments and decrees which have been rendered.

FEBRUARY 23, 1889.—Referred to the Committee on Appropriations and ordered to be printed.

DEPARTMENT OF JUSTICE,
Washington, February 21, 1889.

To the Senate and House of Representatives in Congress assembled :

Under the provisions of an act of Congress entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, chapter 359, I have the honor to submit the following report:

The suits in which final judgments and decrees have been rendered, which have not been appealed and are still pending, up to this date are as follows:

No. 12 (Exhibit A)	\$75.00
No. 14 (Exhibit B)	86.21
No. 20 (Exhibit C)	630.20
No. 23 (Exhibit D)	406.200
No. 28 (Exhibit E)	1,079.50
No. 31 (Exhibit F)	7,535.34
No. 33 (Exhibit G)	90.10
No. 34 (Exhibit H)	2,008.70
No. 35 (Exhibit I)	811.93
No. 36 (Exhibit J)	251.65
No. 41 (Exhibit K)	100.20
No. 117 (Exhibit L)	262.50
No. 119 (Exhibit M)	14.75
No. 121 (Exhibit N)	1,313.61
No. 122 (Exhibit O)	1,001.69
No. 129 (Exhibit P)	130.90
No. 160 (Exhibit Q)	330.40
No. 164 (Exhibit R)	176.00

16,304.88

Very respectfully,

A. H. GARLAND,
Attorney-General.

EXHIBIT A (No. 12).

I am of the opinion, therefore, that the plaintiff is entitled to recover from the defendant the sum of \$75. Judgment is therefore entered for the plaintiff and against the defendant for the sum of \$75, with costs of suit.

ELMER S. DUNDY, *Judge*.

OMAHA, NEBR., March 16, 1888.

EXHIBIT B (No. 14).

Upon the above facts the petitioner is entitled to judgment against the United States for the sum of \$72, and \$14.21 interest, amounting to \$86.21, together with the costs provided by section 15 of the act of March 3, 1887, to be taxed. A stay of sixty days is allowed after service of a copy of this decision on the United States attorney.

BROWN, *J.*

Southern District New York, April 27, 1888.

EXHIBIT C (No. 20).

The court, on due consideration of the premises, finds for the plaintiff, and doth order, adjudge, and decree that the said Samuel Thompson do have and recover of and from the United States the sum of \$630.20, with interest thereon from the date of the judgment herein, to wit, from September 16, 1887, at the rate of 4 per cent. per annum, until the time when an appropriation shall be made for the payment thereof.

Birmingham, Alabama.

JOHN BRUCE, *Judge*.

EXHIBIT D (No. 23).

It is therefore considered and ordered, adjudged and decreed by the court accordingly that the plaintiff, Henry Melvil Doak, recover of the United States the sum of \$406.20, as follows, viz:

Said costs and fees in item No. 1.....	\$51.10
Said costs and fees in item No. 2.....	12.70
Said costs and fees in item No. 4.....	2.20
Said costs and fees in item No. 7.....	11.90
Said costs and fees in item No. 8.....	328.30
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	406.20

with interest from this day at the rate of 4 per cent. and the costs of this cause also.

It is also considered by the court and adjudged and decreed accordingly that the items as follows, viz:

Said costs and fees in item No. 2.....	\$0.10
Said costs and fees in item No. 5.....	28.20
Said costs and fees in item No. 6.....	.30
Said costs and fees in item No. 9.....	5.00
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	33.60

Amounting in all to the sum of

be, and the same are hereby, adjudged to be incorrect and are disallowed, and the action of the said First Comptroller sustained with respect thereto.

Nashville, Tenn.

D. M. KEY, *Judge*.

EXHIBIT E (No. 28).

This cause having been heard by the court on the law and testimony and in the presence of counsel for the petitioner and for the United States, now, after due consideration by the court, it is ordered, adjudged, and decreed that the petitioner have and recover from the United States \$1,050, with interest thereon from the date of this

judgment at the rate of 4 per cent. per annum as allowed by law, together with his costs in this behalf expended:

Filing petition	\$0. 10
Administering oath to petitioner .....	. 10
Filing affidavit of service upon Attorney-General .....	. 10
Administering oath to L. W. Day, attorney .....	. 10
Filing affidavit of service upon United States attorney .....	. 10
Copy petition for Attorney-General, four folios .....	. 40
Certificate and seal to same .....	. 35
Copy petition for United States attorney, four folios .....	. 40
Certificate and seal to same .....	. 35
Filing defendant's pleas .....	. 10
Entering judgment on journal, eight folios	1. 20
Docket fee	2. 00
Administering oath to one witness on trial .....	. 10
Final record, fifteen folios at 15 cents	2. 25
Transcript for Attorney-General, fifteen folios	1. 50
Certificate and seal to same .....	. 35
Total clerk's costs	9. 50
Plaintiff's attorney's tax fee	10. 00
United States attorney's fee	10. 00
Total costs of cause	29. 50

Northern district of Alabama, November 2, 1887.

JOHN BRUCE, *Judge*.

EXHIBIT F (No. 31).

Now, therefore, it is considered by the court that the petitioner, Arthur H. Keller, have, and recover of the defendant, the said United States, the sum of \$7,504.69, with lawful interest thereon, together with his costs, \$30.65, in this behalf expended.

April 27, 1888, Northern District Alabama.

JOHN BRUCE, *Judge*.

EXHIBIT G (No. 33).

This cause came on this day to be heard and was argued by counsel. On consideration whereof, the court doth adjudge, order, and decree that judgment be entered in this cause in favor of the petitioner and against the United States for the sum of \$90.10, the sum claimed in the petition, with interest thereon at the rate of 4 per cent. per annum from the 12th day of March, A. D. 1888, until paid, and the costs of this suit.

RICHMOND, VA., March 12, 1888.

R. W. HUGHES, *Judge*.

EXHIBIT H (No. 34).

Ordered and adjudged that Fleming D. Cheshire, the plaintiff herein, do have and recover of and from the defendant, the United States of America, the sum of \$2,000 with costs in the sum of \$3.70, in all the sum of \$2,008.70.

Dated Brooklyn, N. Y., May 26, 1888.

E. HENRY LACOMBE, *Judge*.

EXHIBIT I (No. 35).

Now in accordance with such finding of fact and law it is now ordered, adjudged, and decreed that the plaintiff, William John Gayer, do have judgment against the United States for the sum of \$732.18 and the costs of this action in the sum of \$29.75, aggregating in the whole the sum of \$811.93, with interest from date hereof on the sum of \$732.18.

CHARLESTON, S. C., January 20, 1888.

CHARLES H. SIMONTON, *Judge*.

EXHIBIT J (No. 36),

The court, on due consideration of the premises, finds for the plaintiff and doth order, adjudge, and decree that the said William H. Strong have and recover of and from the United States the sum of \$181, together with the costs, \$70.65, of this suit.

HENRY T. TOULMIN, *Judge*.

MOBILE, ALA., *February 23, 1888.*

EXHIBIT K (No. 41).

It is therefore considered and adjudged by the court that the plaintiff, Wm. A. Van Buren, do have and recover of the defendant, the United States, the sum of \$61, and the defendant having put in issue the right of the plaintiff to recover herein, it is further considered and adjudged that the plaintiff have and recover of the defendant the further sum of \$39.20, costs paid by him to the clerk of this court, which accrued since joinder of issue herein.

WM. A. WOODS, *Justice*.

INDIANAPOLIS, IND., *December 1, 1887.*

EXHIBIT L (No. 117).

And now, this 23d of December, A. D. 1887, the court having filed of record, agreeably to the provisions of the act of Congress of March 3, 1887, under which these proceedings have been had and determined, the findings of fact and the law applicable thereto, on motion of Henry Hazlehurst, esquire, counsel for the petitioner, it is adjudged and decreed that the said petitioner do recover of the United States the sum of \$255, together with costs in the further sum of \$7.50, being the fees paid by him to the clerk of the court.

Eastern district Pennsylvania.

WM. BUTLER, *Judge*.

EXHIBIT M (No. 119).

It is therefore considered, ordered, adjudged, and decreed by the court that complainant, Isaac Denton Thomas, recover of the United States the sum of \$14.75 as the amount adjudged to be due him as mileage in coming to and returning from the April term, 1887, of this court and the costs of this cause.

KEY, *Judge*.

NASHVILLE, TENN., *December 1, 1887.*

EXHIBIT N (No. 121).

It is therefore ordered, considered, and adjudged that said plaintiff, Ralph L. Goodrich, clerk United States district and circuit courts, western division, eastern district of Arkansas, do have and recover of and from said defendant, United States, the sum of \$1,313.61 found as aforesaid for his damages.

HENRY C. CALDWELL.

LITTLE ROCK, ARK., *June 8, 1888.*

EXHIBIT O (No. 122).

It is adjudged that James H. Fish, the petitioner, recover of the defendant, the United States of America, the sum of \$956.94 and \$44.75, costs as taxed, amounting in the aggregate to the sum of \$1,001.69.

Dated at Brooklyn, in the eastern district of New York, this 3d day of December, A. D. 1888.

By the court.

B. LINCOLN BENEDICT, *Clerk*.

EXHIBIT P (No. 129).

The court after hearing the evidence offered, the argument of counsel, and being fully advised in the premises, finds that the defendant, the United States of America, is justly indebted to the plaintiff, W. N. Vilas, for services as a physician in attendance upon and for medicines furnished the United States prisoners confined in the El Paso County jail, El Paso County, Tex., from December 1, 1886, to June 30, 1887, in the sum of \$130.90, at which sum his damages are assessed. It is therefore ordered, adjudged, and decreed by the court that the plaintiff, W. N. Vilas, do have and recover of the United States of America the sum of \$130.90, with interest as provided by law and all costs of suit. To which judgment the defendant, by Rudolph Kleberg, United States district attorney at the time in open court excepted.

ALECK BOARMAN, *Judge*.

APRIL 7, 1888.

EXHIBIT Q (No. 160).

Having thus considered all the questions presented, and finding as matter of fact that the services charged for were actually performed, and that the allowances asked are proper, I have only to order judgment for the petitioner for the sum of \$330.40, being the whole amount claimed, except the \$115.05, which had been rejected anterior to the act giving jurisdiction in cases of this kind.

WEBB, J.

Edward M. Rand, Maine district.
OCTOBER 25, 1888.

EXHIBIT R (No. 164).

By section 715, Revised Statutes of the United States, such crier is allowed the sum of \$2 per day. The court therefore finds the plaintiff is entitled to recover for the period of eighty-eight days, between the 3d day of March, 1887, and the 23d day of May, 1888, at \$2 per day, making in the aggregate \$176. Judgment accordingly.

JNO. F. PHILIPS, *Judge*.

James H. Preston. Witness fees.
KANSAS CITY, MO., *January* 15, 1889.

